

04-12217

USDC/MA

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# United States Court of Appeals

## For the First Circuit

No. 05-2874

BEGASHAW AYELE,  
Plaintiff, Appellant,

v.

COGNISA SECURITY COMPANY, INC.,  
Defendant, Appellee.

Before

Torruella, Circuit Judge,  
Stahl, Senior Circuit Judge,  
and Howard, Circuit Judge.

**JUDGMENT**

Entered: May 8, 2006

Plaintiff challenges the district court's denial of certain discovery, as well as the merits of its summary judgment ruling and cost award. We hold that the district court did not abuse its discretion in denying plaintiff's discovery requests. Applying de novo review, we affirm the summary judgment ruling, essentially for the reasons stated in the magistrate judge's October 17, 2005 report and recommendation, which was adopted by the district court on November 18, 2005. The record fails as a matter of law to support any of plaintiff's claims. Plaintiff's retaliation claim was not raised in the district court and will not be considered for the first time on appeal. Assuming that plaintiff's challenge to the cost award is properly before us, we also hold that the district court did not abuse its discretion in its cost award. To the extent plaintiff raises allegations of judicial bias, they are meritless.

Accordingly, the judgment of the district court is affirmed.  
See 1st Cir. R. 27(c).

By the Court:  
Richard Cushing Donovan, Clerk.

By: MARGARET CARTER  
Chief Deputy Clerk.

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

AT  
Deputy Clerk [cc: Messrs: Ayele, Murphy, Finnerty and Ms. Roberts]

Date: 5/30/06